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6P/3739

PATENT

Attorney Docket No. 0320-0015 (HOOV 115)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
Michael D. Hooven)
Serial No.: 10/015,346)
Filed: December 12, 2001)
Group Art No.: 3739)
Examiner: Rosiland S. Rollins)
For: TRANSMURAL ABLATION DEVICE)
WITH CURVED JAWS)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
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**PETITION UNDER 37 CFR 1.181(a) TO REQUEST WITHDRAWAL OF HOLDING
OF ABANDONMENT AND ACCOMPANYING STATEMENT UNDER 37 C.F.R. 1.8(b)**

This petition is being filed in response to a Notice of Abandonment mailed June 30, 2004. This notice indicated that the above-identified application was abandoned because of applicant's failure to timely file a proper reply to the non-final Office Action dated October 29, 2003.

Applicants responded to this non-final Office Action of

October 29, 2003 with the Amendment and Response to Office Action of October 29, 2003 which was mailed to the U.S. Patent and Trademark Office by Express Mail service on January 29, 2004. Copies of the amendment, accompanying documents and the U.S. Post Office Express Mailing Receipt Certificate are enclosed. Please note that the receipt has a handwritten date which indicates that the amendment was deposited with the U.S. Postal Office on January 29, 2004.

Accordingly, applicants respectfully submit that the amendment responding to the Office Action of October 29, 2003 was timely filed 3 months from the date of mailing of the Office Action. Applicants further enclose a post card receipt which was mailed with the amendment which post card is stamped as having been received in the USPTO's Office of Initial Patenting Examination on January 29, 2004.

It is believed that these papers indicate that a response was timely filed and the application should be reinstated. Although this petition under 37 C.F.R. 1.181(a) is not believed to require a fee, authorization is hereby given to charge Deposit Account No. 50-1039 if any fees are necessary. (A duplicate of this document is enclosed.)

The undersigned hereby attests that he has personal knowledge of the facts stated herein and of the timely mailing of the Amendment and Response to the Office Action of October 29, 2003 in this application, in accordance with 37 C.F.R. 1.8(b)(3).

Respectfully requested,

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Date: July 9, 2004